

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; amending Sections 11.14.150, 23.53.006, 23.53.015, 23.53.020, 23.84A.002, 23.84A.006, and 23.84A.030 of the Seattle Municipal Code for pedestrian access and circulation and to make corrections.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 11.14.150 of the Seattle Municipal Code, which section was last amended by Ordinance 108200, is amended as follows:

11.14.150 - Curb ramp.

"Curb ramp" means that portion of the sidewalk ~~((area which))~~ that provides a direct connection between the roadway level and the constructed sidewalk level, for the purpose of allowing persons and persons operating wheeled devices to have ~~((convenient))~~ access between the roadway and sidewalk; according to Standards for Accessible Design, 28 Code of Federal Regulations ("C.F.R.") § 35.151 and 36 C.F.R. part 1191, and Appendices B and D (the "ADA").

Section 2. Section 23.53.006 of the Seattle Municipal Code, which section was last amended by Ordinance 125272, is amended as follows:

23.53.006 - Pedestrian access and circulation

A. General requirements. Pedestrian access and circulation are required on all streets in all zones as set forth in this Section 23.53.006.

1. Pedestrian access and circulation improvements shall meet the standards in the Right-of-Way Improvements Manual for sidewalks, ~~((and))~~ pedestrian walkways, curbs, curb ramps, and accessible crossings.

2. Curb ramps are required when: the proposed development is on or creates a corner lot; or when the Director as a Type I decision and in consultation with the Director of Transportation finds a potential for a pedestrian connection exists due to unique lot conditions, including but not limited to a “T” intersection. Curb ramps shall meet ADA standards.

3. The regulations in this Section 23.53.006 are not intended to preclude the use of Chapter 25.05, the Seattle SEPA Rules, to mitigate adverse environmental impacts.

B. Dedication of New Streets. Sidewalks, ~~and curbs,~~ and curb ramps are required when new streets are dedicated.

C. Within urban centers and urban villages.

1. Within urban centers and urban villages, sidewalks, curbs, and curb ramps are required ~~((whenever))~~ when new lots are created through the full or short subdivision platting process ~~((,including full and short subdivisions and unit lot subdivisions,))~~ or ~~((whenever))~~ when development is proposed on a lot that abuts any existing street without a sidewalk~~((;))~~ in any zone, except as specified in subsection 23.53.006.F.

2. Within urban centers and urban villages, if the existing sidewalks, curbs, curb ramps, and accessible crossings do not comply with the Right-of-Way Improvements Manual, they shall be brought into compliance when new lots are created through the full or short subdivision process or when development is proposed that abuts any existing street in any zone, except as specified in subsection 23.53.006.F.

D. Outside Urban Centers and Urban Villages. Outside of Urban Centers and Urban Villages, sidewalks, curbs, and curb ramps are required on an existing street in any of the following circumstances, except as provided in subsection 23.53.006.F.

1 1. In any zone with a pedestrian designation, sidewalks, curbs, and curb ramps are
2 required ((if)) when new lots are created through the full or short subdivision platting
3 process(~~((including full and short subdivisions))~~) or ((if)) when development is proposed.

4 2. In industrial zones, ~~((Θ))~~on streets designated on Map A for 23.50.016,
5 sidewalks, curbs, and curb ramps are required ((if)) when new lots are created through the full or
6 short subdivision platting process(~~((including full and short subdivisions))~~) or ((if)) when
7 development is proposed. Sidewalks, curbs and curb ramps are required only for the portion of
8 the lot that abuts the designated street.

9 3. On arterials, except in IG1 and IG2 zones and on lots in IB zones that are not
10 directly across the street from or abutting a lot in a residential or commercial zone, sidewalks,
11 curbs, and curb ramps are required ((if)) when new lots are created through the full or short
12 subdivision platting process(~~((including full and short subdivisions))~~) or ((if)) when development
13 is proposed. Sidewalks, curbs, and curb ramps are required only for the portion of the lot that
14 abuts the arterial.

15 4. In SF and LR1 zones, sidewalks, curbs, and curb ramps are required ((if)) when
16 ten or more lots are created through the full subdivision platting process(~~((including full and~~
17 ~~short subdivisions and unit lot subdivisions,))~~) or ((if)) when ten or more dwelling units are
18 developed.

19 5. Outside of SF and LR1 zones, except in IG1 and IG2 zones and on lots in IB
20 zones that are not directly across the street from or abutting lots in a residential or commercial
21 zone, sidewalks, curbs, and curb ramps are required ((if)) when six or more lots are created
22 through the full or short subdivision platting process(~~((including full and short subdivisions, unit~~
23 ~~lot subdivisions,))~~) or ((if)) when six or more dwelling units are developed.

6. In all zones, except IG1 and IG2 zones and on lots in IB zones that are not directly across the street from or abutting a lot in a residential or commercial zone, sidewalks, curbs, and curb ramps are required ~~((if))~~ when the following nonresidential uses are developed:

a. 750 square feet or more of gross floor area of major and minor vehicle repair uses and multipurpose retail sales; or

b. 4,000 square feet or more of nonresidential uses not listed in subsection 23.53.006.D.6.a.

E. Requirements for Pedestrian Walkways in Certain Industrial Zones. In IG1 and IG2 zones, and on lots in IB zones that are not directly across the street from or abutting lot in a residential or commercial zone, ~~((whenever))~~ when development is proposed on existing streets that do not have curbs, a pedestrian walkway with accessible crossings is required, except as provided in subsection 23.53.006.F.

F. Exceptions. The following exceptions to pedestrian access and circulation requirements and standards apply:

1. Projects exempt from requirements. Pedestrian access and circulation improvements are not required for the following types of projects:

a. ~~((e))~~ Change of use;

b. ~~((a))~~ Alterations to existing structures;

c. ~~((a))~~ Additions to existing structures that are exempt from environmental review; and

d. ~~((e))~~ Construction of a detached structure accessory to a single-family dwelling unit ~~((located))~~ in any zone, if the property owner enters into a no-protest agreement,

as authorized by RCW 35.43, to future pedestrian access and circulation improvements and that agreement is recorded with the King County Recorder;

e. ~~((e))~~ Construction of a single-family dwelling unit on a lot in any zone, if the property owner enters into a no-protest agreement, as authorized by RCW 35.43, to future pedestrian access and circulation improvements and that agreement is recorded with the King County Recorder, and if at least one of the following conditions is met:

1) ~~((t))~~ The lot is ~~((located))~~ on a block front where there are no existing pedestrian access and circulation improvements within 100 feet of the lot; or

2) ~~((e))~~ Construction of pedestrian access and circulation improvements is not necessary because, for example, the existing right-of-way has suitable width and surface treatment for pedestrian use; or the existing right-of-way has a limited amount of existing and potential vehicular traffic; or the Director anticipates limited, if any, additional development near the lot because the development near the lot is at or near zoned capacity under current zoning designations~~((-))~~;

f. ~~((e))~~ Expansions of surface parking, outdoor storage, outdoor sales and outdoor display of rental equipment of less than 20 percent of the parking, storage, sales or display area, or number of parking spaces; ~~((and))~~

g. ~~((i))~~ In IG1 and IG2 zones, and on lots in IB zones that are not directly across the street from or abutting a lot in a residential or commercial zone, the addition of:

1) ~~((f))~~ Fewer than ten artist's studio dwellings;

2) ~~((t))~~ Less than 750 square feet of gross floor area of major and minor vehicle repair uses and multipurpose retail sales; and

3) Less than 4,000 square feet of gross floor area of non-residential uses not listed in subsection 23.53.006.F.1.g.2; and

h. ((e))Construction of a new non-residential structure of up to 4,000 square feet of gross floor area if the structure is at least 50 feet from any lot line abutting an existing street that does not have pedestrian access and circulation improvements.

2. Waiver or Modification of Pedestrian Access and Circulation Requirements.

a. The Director, in consultation with the Director of Transportation, may waive or modify pedestrian access and circulation requirements when one or more of the following conditions are met. The waiver or modification shall provide the minimum relief necessary to accommodate site conditions while maximizing pedestrian access and circulation.

1) Location in an environmentally critical area or buffer makes installation of a sidewalk, curb, and/or curb ramp structurally impractical or undesirable technically infeasible;

2) The existence of a bridge, viaduct or structure such as a substantial retaining wall in proximity to the project site makes installation of a sidewalk, curb, and/or curb ramp structurally impractical or undesirable technically infeasible;

3) Sidewalk, curb, and/or curb ramp construction would result in undesirable disruption of existing drainage patterns, or disturbance to or removal of natural features such as significant trees or other valuable and character-defining mature vegetation; or

4) Sidewalk, curb, and/or curb ramp construction would preclude vehicular access to the lot, for example on project sites where topography would render driveway access in excess of the maximum 20 percent slope.

3. Deviation from Sidewalk, Curb, and Curb Ramp Standards. The Director of Transportation may grant a deviation from sidewalk, curb, and curb ramp standards specified in the Right-of-Way Improvements Manual through the Deviation Request Process (~~((in order))~~) to address environmental, ~~((and))~~ sustainability, or accessibility issues if the deviation provides access to the maximum extent feasible (~~((through the use of an))~~) with a substantially equivalent alternative (~~((sidewalk))~~) design (~~((and/or))~~) or materials.

4. Notwithstanding any provision of Section 23.76.026, the applicant for a Master Use Permit or a building permit to which the Land Use Code in effect prior to the effective date of the ordinance enacting this subsection F.4 applies may, by written election, use the exemptions in subsections 23.53.006.F.1, F.2, and F.3.

Section 3. Section 23.53.015 of the Seattle Municipal Code, which section was last amended by Ordinance 125603 is amended as follows:

23.53.015 - Improvement requirements for existing streets in residential and commercial zones

A. General requirements

1. If new lots are proposed to be created, or if any type of development is proposed in residential or commercial zones, existing streets abutting the lot(s) are required to be improved in accordance with this Section 23.53.015 and Section 23.53.006, Pedestrian access and circulation. A setback from the lot line, or dedication of right-of-way, may be required to accommodate the improvements. One or more of the following types of improvements may be required under this Section 23.53.015:

a. Pavement;

~~((b. Curb installation;))~~

1 b((e)). Drainage;

2 c((d)). Grading to future right-of-way grade;

3 d((e)). Design of structures to accommodate future right-of-way grade;

4 e((f)). No-protest agreements; and

5 f((g)). Planting of street trees and other landscaping.

6 2. Subsection 23.53.015.D contains exceptions from the standard requirements for
7 street improvements, including exceptions for streets that already have curbs, projects that are
8 smaller than a certain size, and for special circumstances, such as location in an environmentally
9 critical area or buffer.

10 3. Off-site improvements, such as provision of drainage systems or fire access
11 roads, shall be required pursuant to the authority of this Code or other ordinances to mitigate the
12 impacts of development.

13 4. Detailed requirements for street improvements are ((~~located~~)) in the Right-of-
14 Way Improvements Manual.

15 5. The regulations in this Section 23.53.015 are not intended to preclude the use
16 of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse
17 environmental impacts.

18 6. Minimum right-of-way widths

19 a. Arterials. The minimum right-of-way widths for arterials as designated
20 by the Seattle Department of Transportation, are as specified in the Right-of-Way Improvements
21 Manual.

22 b. Nonarterial streets.

1) The minimum right-of-way width for an existing street that is not an arterial designated on the Arterial street map, Section 11.18.010, is as shown on Table A for 23.53.015.

Table A for 23.53.015:
Minimum Right-of-Way Widths
for Existing Nonarterial Streets

Zone Category	Required Right-of-Way Width
1. SF, LR1, LR2 and NC1 zones; and NC2 zones with a maximum height limit of 40 feet or less	40 feet
2. LR3, MR, HR, NC2 zones with height limits of more than 40 feet, NC3, C1, C2 and SM zones	52 feet

2) If a block is split into more than one zone, the required right-of-way width shall be determined based on the requirements in Table A for 23.53.015 for the zone category with the most frontage. If the zone categories have equal frontage, the minimum right-of-way width is 52 feet.

B. Improvements to arterial streets. Except as provided in Subsection 23.53.015.D, arterials shall be improved according to the following requirements:

1. If a street is designated as an arterial by the Seattle Department of Transportation, a paved roadway (~~with a curb~~) and pedestrian access and circulation as required by Section 23.53.006, drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, as specified in the Right-of-Way Improvements Manual.

2. If necessary to accommodate the right-of-way and roadway widths specified in the Right-of-Way Improvements Manual, dedication of right-of-way is required. If an existing arterial street has less than the minimum right-of-way width established in subsection 23.53.015.A.6, dedication of additional right-of-way equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection 23.53.015.A.6 is required.

D. Exceptions

1. Streets with existing curbs

a. Streets with right-of-way greater than or equal to the minimum right-of-way width. If a street with existing curbs abuts a lot and the existing right-of-way is greater than or equal to the minimum width established in subsection 23.53.015.A.6, but the roadway width is less than the minimum established in the Right-of-Way Improvements Manual, the following requirements shall be met:

1) All structures on the lot shall be designed and built to accommodate the grade of the future street improvements.

2) A no-protest agreement to future street improvements is required, as authorized by RCW ((e))Chapter 35.43 RCW. The agreement shall be recorded with the King County Recorder.

3) Pedestrian access and circulation is required as specified in Section 23.53.006.

b. Streets with less than the minimum right-of-way width. If a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection 23.53.015.A.6, the following requirements shall be met:

1) Setback requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection 23.53.015.A.6 is required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. In all residential zones except Highrise zones, an additional 3-foot setback is also required. The area of the setback may be used to meet any development standard, except that required parking may not be ((located)) in the setback. Underground structures that would not prevent the future widening and improvement of the right-of-way may be permitted in the required setback by the Director after consulting with the Director of Transportation. Encroachments into this setback shall not be considered structural building overhangs, but the encroachment is limited to the standards set forth in Section 23.53.035.

2) Grading requirement. If a setback is required, all structures on the lot shall be designed and built to accommodate the grade of the future street, as specified in the Right-of-Way Improvements Manual.

3) No-protest agreement requirement. A no-protest agreement to future street improvements is required, as authorized by RCW ((e))Chapter 35.43 ~~RCW~~. The agreement shall be recorded with the King County Recorder.

4) Pedestrian access and circulation is required as specified in Section 23.53.006.

2. Projects with reduced improvement requirements.

1 a. One or two dwelling units. If no more than two new dwelling units are
2 proposed to be constructed, or no more than two new single-family zoned lots are proposed to be
3 created, the following requirements shall be met:

4 1) If there is no existing hard-surfaced roadway, a crushed-rock
5 roadway at least 16 feet in width is required, as specified in Director's Rule 22-2005, Right-of-
6 Way Improvements Manual.

7 2) All structures on the lot(s) shall be designed and built to
8 accommodate the grade of the future street improvements.

9 3) A no-protest agreement to future street improvements is
10 required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King
11 County Recorder.

12 4) Pedestrian access and circulation is required as specified in
13 ((by)) Section 23.53.006.

14 b. Other projects with reduced requirements. The types of projects listed in
15 this subsection 23.53.015.D.2.b are exempt from right-of-way dedication requirements and are
16 subject to the street improvement requirements of this subsection 23.53.015.D.2.b, except as
17 waived or modified pursuant to subsection 23.53.015.D.3:

18 1) Types of projects.

19 a) Proposed developments that contain more than two but
20 fewer than ten units in SF, RSL, and LR1 zones, or fewer than six residential units in all other
21 zones, or proposed short plats in which no more than two additional lots are proposed to be
22 created, except as provided in Section 23.53.015.D.2.a;

b) The following uses if they are smaller than 750 square feet of gross floor area: major and minor vehicle repair uses, and multipurpose retail sales uses;

c) Non-residential structures that have less than 4,000 square feet of gross floor area and that do not contain uses listed in subsection 23.53.015.D.2.b.1.b that are larger than 750 square feet;

d) Structures containing a mix of residential uses and either nonresidential uses or live-work units, if there are fewer than ten units in SF, RSL, and LR1 zones, or fewer than six residential units in all other zones, and the square footage of nonresidential use is less than specified in subsections 23.53.D.2.b.1).b) and D.2.b.1).c);

e) Remodeling and use changes within existing structures;

f) Additions to existing structures that are exempt from environmental review; and

g) Expansions of surface parking, outdoor storage, outdoor sales or outdoor display of rental equipment of less than 20 percent of the parking, storage, sales or display area or number of parking spaces.

2) Paving requirement. For the types of projects listed in subsection 23.53.015.D.2.b.1, the streets abutting the lot shall have a hard-surfaced roadway at least 18 feet wide. If there is not an 18-foot wide hard-surfaced roadway, the roadway shall be paved to a width of at least 20 feet from the lot to the nearest hard-surfaced street meeting this requirement, or 100 feet, whichever is less. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround as specified in the Right-of-Way Improvements Manual. As a Type 1 decision, the Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being

1 extended or whether it forms a dead end because of topography (~~(and/or)~~) or the layout of the
2 street system.

3 3) Other requirements. The requirements of subsection
4 23.53.015.D.1.b shall also be met.

5 3. Exceptions from required street improvements. As a Type 1 decision, the
6 Director, in consultation with the Director of Transportation, may waive or modify the
7 requirements for paving and drainage, dedication, setbacks, grading, no-protest agreements, and
8 landscaping(~~(, and curb installation)~~) if one or more of the following conditions are met. The
9 waiver or modification shall provide the minimum relief necessary to accommodate site
10 conditions while maximizing access and circulation.

11 a. Location in an environmentally critical area or buffer, disruption of
12 existing drainage patterns, or removal of natural features such as significant trees or other
13 valuable and character-defining mature vegetation makes widening (~~(and/or)~~) or improving the
14 right-of-way impractical or undesirable.

15 b. The existence of a bridge, viaduct, or structure such as a substantial
16 retaining wall in proximity to the project site makes widening (~~(and/or)~~) or improving the right-
17 of-way impractical or undesirable.

18 c. Widening the right-of-way (~~(and/or)~~) or improving the street would
19 adversely affect the character of the street, as it is defined in an adopted neighborhood plan or
20 adopted City plan for green streets, boulevards, or other special rights-of-way, or would
21 otherwise conflict with the stated goals of such a plan.

22 d. Widening (~~(and/or)~~) or improving the right-of-way would preclude
23 vehicular access to an existing lot.

e. Widening ~~((and/or))~~ or improving the right-of-way would make building on a lot infeasible by reducing it to dimensions where development standards cannot reasonably be met.

f. One or more substantial principal structures on the same side of the block as the proposed project are ~~((located))~~ in the area needed for future expansion of the right-of-way and the structure(s)' condition and size make future widening of the remainder of the right-of-way unlikely.

g. Widening ~~((and/or))~~ or improving the right-of-way is impractical because topography would preclude the use of the street for vehicular access to the lot, for example due to an inability to meet the required 15 percent maximum driveway slope.

h. Widening ~~((and/or))~~ or improving the right-of-way is not necessary because it is adequate for current and potential vehicular traffic, for example, due to the limited number of lots served by the development or because the development on the street is at zoned capacity.

Section 4. Section 23.53.020 of the Seattle Municipal Code, which section was last amended by Ordinance 123649 is amended as follows:

23.53.020 - Improvement requirements for existing streets in industrial zones

A. General Requirements.

1. If new lots are created or any type of development is proposed in an industrial zone, existing streets abutting the lot(s) are required to be improved in accordance with Section 23.53.020 and Section 23.53.006, Pedestrian access and circulation. One or more of the following types of improvements may be required by this section:

a. Pavement;

1 ~~((b. Curb installation;))~~

2 b((e)). Drainage;

3 c((d)). Grading to future right-of-way grade;

4 d((e)). Design of structures to accommodate future right-of-way grade;

5 e((f)). No-protest agreements; and

6 f((g)). Planting of street trees and other landscaping.

7 A setback from the property line, or dedication of right-of-way, may be required to accommodate
8 the improvements.

9 2. Subsection 23.53.020.E ~~of this section~~ contains exceptions from the standard
10 requirements for street improvements, including exceptions for streets that already have curbs,
11 projects that are smaller than a certain size, and for special circumstances, such as location in an
12 environmentally critical area.

13 3. Off-site improvements such as provision of drainage systems or fire access
14 roads((;)) shall be required pursuant to the authority of this Code or other ordinances to mitigate
15 the impacts of development.

16 4. Detailed requirements for street improvements are ~~((located))~~ in the Right-of-
17 Way Improvements Manual.

18 5. The regulations in this Section 23.53.020 are not intended to preclude the use
19 of Chapter 25.05 of the Seattle Municipal Code, the Seattle SEPA Ordinance, to mitigate adverse
20 environmental impacts.

21 6. Minimum Right-of-way Widths.

a. Arterials. The minimum right-of-way widths for arterials designated on the Arterial street map, Section 11.18.010, are as specified in the Right-of-Way Improvements Manual.

b. Non-arterials.

1) The minimum right-of-way width for an existing street that is not an arterial designated on the Arterial street map, Section 11.18.010, is as shown on Table A for 23.53.020.

Table A for 23.53.020
Minimum Right-of-way Widths
for Existing Nonarterial Streets

Zone Category	Right-of-Way Widths
1. IB, IC	52 feet
2. IG1, IG2	56 feet

2) If a block is split into more than one zone, the zone category with the most frontage shall determine the minimum width on Table A for 23.53.020. If the zone categories have equal frontage, the one with the wider requirement shall be used to determine the minimum right-of-way width.

B. Improvements on Designated Streets in All Industrial Zones. In all industrial zones, except as provided in subsection 23.53.020.E, if a lot abuts a street designated on the Industrial

Streets Landscaping Map, Map A for 23.50.016, the following on-site improvements shall be provided:

1. Dedication Requirement. If the street right-of-way is less than the minimum width established in subsection 23.53.020.A.6, dedication of additional right-of-way equal to half the difference between the current right-of-way and the minimum right-of-way width established in subsection 23.53.020.A.6 is required; provided, however, that if right-of-way has been dedicated since 1982, other lots on the block are not required to dedicate more than that amount of right-of-way.

2. Improvement Requirements. A paved roadway with ~~((a concrete curb,))~~ pedestrian access and circulation as required by Section 23.53.006 and drainage facilities shall be provided in the portion of the street right-of-way abutting the lot, as specified in the Right-of-Way Improvements Manual.

3. Street Trees.

a. Street trees shall be provided along designated street frontages. Street trees shall be provided in the planting strip as specified in City Tree Planting Standards.

b. Exceptions to Street Tree Requirements.

1) Street trees required by subsection 23.53.020.B.3.a may be located on the lot at least 2 feet from the street lot line instead of in the planting strip if:

a) Existing trees ~~((and/or))~~ or landscaping on the lot provide improvements substantially equivalent to those required in this Section 23.53.020;

b) It is not feasible to plant street trees according to City standards. A 5-foot-deep landscaped setback area is required along the street property lines and

1 trees shall be planted there. If an on-site landscaped area is already required, the trees shall be
2 planted there if they cannot be placed in the planting strip.

3 C. General Industrial 1 and 2 (IG1 and IG2) Zones. Except as provided in subsection
4 23.53.020.E of this section, the following improvements shall be required in IG1 and IG2 zones,
5 in addition to the pedestrian access and circulation requirements of Section 23.53.006. Further
6 improvements may be required on streets designated in subsection 23.53.020.B of this section.

7 1. Setback Requirement. When the right-of-way abutting a lot has less than the
8 minimum width established in subsection 23.53.020.A((.))6 of this section, a setback equal to
9 half the difference between the current right-of-way width and the minimum right-of-way width
10 established in subsection 23.53.020.A((.))6 of this section is required; provided, however, that if
11 a setback has been provided under this provision, other lots on the block shall provide the same
12 setback. The area of the setback may be used to meet any development standard, except that
13 required parking may not be located in the setback. Underground structures that would not
14 prevent the future widening and improvement of the right-of-way may be permitted in the
15 required setback by the Director((,)) after consulting with the Director of Transportation.

16 2. Grading Requirement. When an existing street abutting a lot is less than the
17 width established in subsection 23.53.020.A((.))6 of this section, all structures shall be designed
18 and built to accommodate the grade of the future street improvements.

19 3. Fire Access. If the lot does not have vehicular access from a street or private
20 easement that meets the regulations for fire access roads in Chapter 10 of the Seattle Fire Code,
21 such access shall be provided. When an existing street does not meet these regulations, the Chief
22 of the Fire Department may approve an alternative that provides adequate emergency vehicle
23 access.

4. Dead-end Streets. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround as specified in the Right-of-Way Improvements Manual. The Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography and/or the layout of the street system.

5. No-protest Agreement Requirement. When a setback is required by subsection 23.53.020.C((.))1, or a pedestrian walkway is required as specified in Section 23.53.006, a no-protest agreement to future street improvements shall be required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the King County Recorder ~~Department of Records and Elections~~.

D. Industrial Buffer (IB) and Industrial Commercial (IC) Zones. Except as provided in subsection 23.53.020.E of this section, the following improvements are required in IB and IC zones, in addition to the pedestrian access and circulation requirements of Section 23.53.006. Further improvements may be required on streets designated in subsection 23.53.020.B of this section.

1. The requirements of this subsection 23.53.020.D((.))1 shall apply when projects are proposed on lots in IB zones that are directly across a street from, or that abut, a lot in a residential or commercial zone, and to all projects in IC zones:

a. Improvements to Arterials.

(1) When a street is designated as an arterial on Exhibit 23.53.015 A, a paved roadway (~~(with a curb)~~), pedestrian access and circulation as required by Section 23.53.006, drainage facilities, and any landscaping required by the zone in which the lot is

located shall be provided in the portion of the street right-of-way abutting the lot, as specified in the Right-of-Way Improvements Manual.

(2) If necessary to accommodate the right-of-way widths specified in the Right-of-Way Improvements Manual, dedication of right-of-way shall be required.

b. Improvements to Nonarterial Streets.

(1) Non-arterial Streets With Right-of-way Greater Than or Equal to the Minimum Right-of-Way Width.

i. Improvement Requirements. When an existing non-arterial street right-of-way is greater than or equal to the minimum right-of-way width established in subsection 23.53.020.A((1))6 of this section, a paved roadway with pedestrian access and circulation as required by Section 23.53.006,((7)) drainage facilities, and any landscaping required by the zone in which the lot is located shall be provided in the portion of the street right-of-way abutting the lot, as specified in the Right-of-Way Improvements Manual.

ii. Fire Access. If the lot does not have vehicular access from a street or private easement that meets the regulations for fire access roads in Chapter 10 of the Seattle Fire Code, such access shall be provided. When an existing street does not meet these regulations, the Chief of the Fire Department may approve an alternative that provides adequate emergency vehicle access.

iii. Dead-end Streets. Streets that form a dead end at the property to be developed shall be improved with a cul-de-sac or other vehicular turnaround as specified in the Right-of-Way Improvements Manual. The Director, after consulting with the Director of Transportation, shall determine whether the street has the potential for being

1 extended or whether it forms a dead end because of topography ~~((and/or))~~ or the layout of the
2 street system.

3 (2) Non-arterial Streets With Less Than the Minimum Right-of-Way
4 Width.

5 i. Dedication Requirement. When an existing non-arterial
6 street has less than the minimum right-of-way established in subsection 23.53.020.A((.))6 ~~of this~~
7 ~~section~~, dedication of additional right-of-way equal to half the difference between the current
8 right-of-way width and the minimum right-of-way width established in subsection
9 23.53.020.A((.))6 ~~of this section~~ is required; provided, however, that if right-of-way has been
10 dedicated since 1982, other lots on the block shall not be required to dedicate more than that
11 amount of right-of-way.

12 ii. Improvement Requirement. A paved roadway with
13 pedestrian access and circulation as required by Section 23.53.006, drainage facilities, and any
14 landscaping required by the zone in which the lot is located shall be provided in the portion of
15 the street right-of-way abutting the lot, as specified in the Right-of-Way Improvements Manual.

16 iii. Fire Access. If the lot does not have vehicular access
17 from a street or private easement that meets the regulations for fire access roads in Chapter 10 of
18 the Seattle Fire Code, such access shall be provided. When an existing street does not meet these
19 regulations, the Chief of the Fire Department may approve an alternative that provides adequate
20 emergency vehicle access.

21 iv. Dead-end Streets. Streets that form a dead end at the
22 property to be developed shall be improved with a cul-de-sac or other vehicular turnaround as
23 specified in the Right-of-Way Improvements Manual. The Director, after consulting with the

Director of Transportation, shall determine whether the street has the potential for being extended or whether it forms a dead end because of topography ~~((and/or))~~ or the layout of the street system.

2. When projects are proposed on lots in IB zones that are not directly across a street from, and do not abut, a lot in a residential or commercial zone, the requirements of subsection 23.53.020.C ~~of this section~~ shall be met.

E. Exceptions.

1. Streets With Existing Curbs.

a. Streets With Right-of-way Greater Than or Equal to the Minimum Right-of-way Width. When a street with existing curbs abuts a lot, and improvements would be required by subsections 23.53.020.B or 23.53.020.D ~~of this section~~, and the existing right-of-way is greater than or equal to the minimum width established in subsection 23.53.020.A ~~((.)6 of this section~~, but the roadway width is less than the minimum established in the Right-of-Way Improvements Manual, the following requirements shall be met:

(1) All structures on the lot shall be designed and built to accommodate the grade of the future street improvements.

(2) A no-protest agreement to future street improvements is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to the property with the King County Recorder ~~Department of Records and Elections~~.

(3) ~~If there is no sidewalk, a sidewalk, shall be constructed, except when an exception set forth in Section 23.53.006 is applicable.~~ Pedestrian access and circulation is required as specified in Section 23.53.006.

b. Streets With Less Than the Minimum Right-of-way Width. When a street with existing curbs abuts a lot and the existing right-of-way is less than the minimum width established in subsection 23.53.020.A((.)6 of this section, the following requirements shall be met:

(1) Setback Requirement. A setback equal to half the difference between the current right-of-way width and the minimum right-of-way width established in subsection 23.53.020.A((.)6 of this section is required; provided, however, that if a setback has been provided under this provision, other lots on the block shall provide the same setback. The area of the setback may be used to meet any development standard, except that required parking may not be ~~((located))~~ in the setback. Underground structures that would not prevent the future widening and improvements of the right-of-way may be permitted in the required setback by the Director after consulting with the Director of Transportation.

(2) Grading Requirement. When a setback is required, all structures on the lot shall be designed and built to accommodate the grade of the future street, as specified in the Right-of-Way Improvements Manual.

(3) A no-protest agreement to future street improvements is required, as authorized by RCW Chapter 35.43. The agreement shall be recorded with the title to the property with the King County Recorder ~~Department of Records and Elections~~.

(4) If there is no sidewalk, a sidewalk shall be constructed except when an exception set forth in Section 23.53.006 is applicable.

2. Projects with Reduced Improvement Requirements. The following types of projects are exempt from all dedication and improvement requirements of subsections 23.53.020.B, 23.53.020.C and 23.53.020.D, but shall meet the pedestrian access and circulation

requirements specified in Section 23.53.006 and the requirements of subsection 23.53.020.E.1.b if the street right-of-way abutting the lot has less than the minimum right-of-way width established in subsection 23.53.020.A or does not meet the grade of future street improvements.

a. Structures with fewer than ten artist's studio dwellings;

b. The following uses when they are smaller than 750 square feet of gross floor area: major and minor vehicle repair uses, and multipurpose retail sales uses;

c. Nonresidential structures that have less than 4,000 square feet of gross floor area and that do not contain uses listed in subsection 23.53.020.E.2.b that are larger than 750 square feet;

d. Structures containing a mix of artist's studio dwellings and nonresidential uses, if there are fewer than ten artist's studio dwellings, and the square footage of nonresidential use is less than specified in subsections 23.53.020.E.2.b and 23.53.020.E.2.c;

e. Remodeling and use changes within existing structures;

f. Additions to existing structures that are exempt from environmental review; and

g. Expansions of surface parking, outdoor storage, outdoor sales or outdoor display of rental equipment of less than 20 percent of the parking, storage, sales or display area, or number of parking spaces.

3. Exceptions from Street Improvement Requirements. The Director, in consultation with the Director of Transportation, may waive or modify the requirements for paving, dedication, setbacks, grading, no-protest agreements, and landscaping(~~(, and curb installation)~~) when it is determined that one (~~((1))~~) or more of the following conditions are met.

1 The waiver or modification shall provide the minimum relief necessary to accommodate site
2 conditions while maximizing access and circulation.

3 a. Location in an environmentally critical area or buffer, disruption of
4 existing drainage patterns, or removal of natural features such as significant trees or other
5 valuable and character-defining mature vegetation makes widening ((~~and/or~~)) or improving the
6 right-of-way impractical or undesirable.

7 b. The existence of a bridge, viaduct or structure such as a substantial
8 retaining wall in proximity to the project site makes widening ((~~and/or~~)) or improving the right-
9 of-way impractical or undesirable.

10 c. Widening the right-of-way ((~~and/or~~)) or improving the street would
11 adversely affect the character of the street, as it is defined in an adopted neighborhood plan or
12 adopted City plan for Green Streets, boulevards, or other special right-of-way, or would
13 otherwise conflict with the stated goals of such a plan.

14 d. Widening ((~~and/or~~)) or improving the right-of-way would make
15 building on a lot infeasible by reducing it to dimensions where development standards cannot
16 reasonably be met.

17 e. Widening ((~~and/or~~)) or improving the right-of-way would preclude
18 vehicular access to an existing lot.

19 f. One ((~~+~~)) or more substantial principal structures on the same side of
20 the block as the proposed project are ((~~located~~)) in the area needed for future expansion of the
21 right-of-way and the structure(s)' condition and size make future widening of the remainder of
22 the right-of-way unlikely.

1 g. Widening ~~((and/or))~~ or improving the right-of-way is impractical
2 because topography would preclude the use of the street for vehicular access to the lot, for
3 example due to an inability to meet the required ~~((twenty (20)))~~ 20 percent maximum driveway
4 slope.

5 h. Widening ~~((and/or))~~ or improving the right-of-way is not necessary
6 because it is adequate for current and potential vehicular traffic, for example, due to the limited
7 number of lots served by the development or because the development on the street is at zoned
8 capacity.

9 Section 5. Section 23.84A.002 of the Seattle Municipal Code, which Section was last
10 amended by Ordinance 125603 is amended as follows:

11 **23.84A.002 – “A”**

12 “Accessible crossing” means that portion of the pedestrian walkway that provides a direct
13 connection between the roadway level and the constructed pedestrian walkway level for the
14 purpose of allowing persons and persons operating wheeled devices to have access between the
15 roadway and pedestrian walkway.

16 Section 6. Section 23.84A.006 of the Seattle Municipal Code, which Section was last
17 amended by Ordinance 124503, is amended as follows:

18 **23.84A.006 – “C”**

19 "Curb ramp" see SMC 11.14.150.

20 Section 7. Section 23.84A.030 of the Seattle Municipal Code, which Section was last
21 amended by Ordinance 124378 is amended as follows:

22 **23.84A.030 – “P”**

"Pedestrian walkway" means a hard or compacted surface((~~ϕ~~)) walkway((~~ϕ~~)) separated from the roadway((~~usually of crushed rock or asphaltic concrete and following the existing ground surface (not at permanent grade)~~)).

Section 8. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2018,
and signed by me in open session in authentication of its passage this _____ day of _____, 2018.

President _____ of the City Council

Approved by me this _____ day of _____, 2018.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2018.

Monica Martinez Simmons, City Clerk

(Seal)